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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

SPECIAL

OFF #
83-2811

November 15, 1983

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer

Department of Justice

Department of State

Central Intelligence Agency ✓


Department of Defense

SUBJECT: Treasury views on Administration terrorism legislation

The Office of Management and Budget requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

Please provide us with your views no later than
November 22, 1983.

Direct your questions to Gregory Jones (395-3856), of this office.


James C. Murr for
Assistant Director for
Legislative Reference

Enclosures

cc: T. Lawler

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OFFICE OF THE SECRETARY OF THE TREASURY

WASHINGTON, D.C. 20220

November 14, 1983

MEMORANDUM TO: Greg Jones
Office of Management
and Budget

FROM: J. Robert McBrien 
Deputy for Security Affairs
and Crisis Management

SUBJECT: Administration Terrorism Legislation

Penalties for Terrorist Acts (Conspiracies)

It appears that the current form of section 956 of title 18 is susceptible to the interpretation that it covers official acts of the U.S. Government. The proposed amendment to section 956 does not cure this defect. The proposed new section to title 18, section 1118, suffers from the same problem.

While we understand that the Department of Justice may have ruled previously that 18 USC 956 does not cover official governmental acts, we believe that any amendment to that section and any proposed similar legislation should explicitly exempt these acts of state from the coverage of the statute. In our view, both planning and preparation for, as well as actual operations during, the Grenada rescue operation and other special activities that could involve U.S. military forces and/or resources of the U.S. intelligence community might be treated as falling within 18 USC 956 and the proposed section 1118. Failing to provide a comprehensive exception for official acts of state while we are expanding the scope of section 956 and adding 1118 could be perceived as evidence that official acts of the U.S. Government are intended to be covered. That would be a thoroughly unacceptable proposition and should not be left to chance.

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Rewards for Information

Since the Departments of Defense and State first proposed "terrorism rewards" legislation to the Interdepartmental Group on Terrorism, Treasury has agreed both to the need for such legislation and to the appropriateness of its being handled principally by the State and Defense Departments. Why the Justice Department has reneged on its original concurrence in the "State bill" and has produced its own version giving the Attorney General the control in overseas situations remains a mystery to us.

In any event, we believe that the State-proposed bill for terrorism rewards is the preferable one and should be adopted as part of the Administration's legislative package on terrorism. If, for some reason not perceived by Treasury, the foreign terrorism rewards bill assigning responsibility to the Attorney General were to be selected, we believe the funding should come from the Justice Department's appropriation.

We have no objections to the other three bills: training and support; Montreal Convention; Hostage-taking Convention.

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